

At A Regular Town Board Meeting
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On 17th day of May, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

Mr. Zarutskie, Town Clerk, wanted the audience to see for the first time ever, there is a New York State flag, courtesy of Assemblyman Tom Kirwan, displayed in the front of the meeting room.

- 1. Pledge of Allegiance to the Flag led by Charles Christolon, Coach Lane**
- 2. Moment of Silence**
- 3. Additional Items for the Agenda**
14. Executive Session: Code Compliance Supervisor and Zoning Board
Chairman: Zoning Board Personnel
- 4. Public Comments on Agenda Items**
None
- 5. Public Hearing: Proposed Public Entertainment Law Amendments, Public Law #3-2004 (Scheduled at 7:00 P.M.)**

Supervisor Booth asked Mr. Zarutskie, Town Clerk, if all the proper postings and publications were done. Mr. Zarutskie said that on May 5, 2004 the notice was posted in the lobby of Town Hall, on May 11, 2004, the publication was in the Sentinel and on May 12, 2004, the publication was in the Mid Hudson Times.

MOTION was made by Councilman Piaquadio to open the Public Hearing, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Mark Taylor, Attorney for the Town, explained what the changes to this local law were. An organization sponsoring a carnival / circus, must have ten members of their organization living within the Town of Newburgh. The Board recently felt that requirement is subject to a loophole in that a statewide organization or higher level of organization could still say they have ten members living within the Town even though they don't have local contacts in that local chapter that is sponsoring that event. In essence you could have a district rather than the local sponsor. Accordingly this local law proposes that there must be at least ten members of the organization who agrees to attend the event and to participate in its operation. This local law provides that ten members must sign the application saying they will attend the event and participate in the event.

Supervisor Booth explained that this Board wants to continue helping our local organizations raise funds to do charitable work within our community. We don't want to be the dumping ground for any organization for their fund raiser and have adverse effects on the Town of Newburgh residents. We have had incidents in the recent past, an organization did not participate or contribute to the Town. Councilman Piaquadio wanted to thank Mark Taylor for preparing this Local Law so quickly and this should fit the needs of the Town.

MOTION was made by Councilman Piaquadio to close the Public Hearing, seconded

by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

6. Resolution of Adoption and SEQR Determination, Public Law #3-2004

MOTION was made by Councilman Piaquadio to adopt the resolution of SEQR designation and determination – Local Law #3 of 2004 – a Local Law amending Chapter 98 entitled “Entertainment, Public” of the Code of the Town of Newburgh, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Woolsey to adopt the resolution of Adoption of Local Law #3 of 2004 Amending Chapter 98 Entitled “Entertainment, Public” of the Code of the Town of Newburgh, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

7. Police: Presentation of Award

Chief Kehoe was asked to come forward. The Chief said the week of May 16th, is National Police Memorial Week. Awards are given to Police Officers throughout the country. This past week one of our officers Eugene Suarez, was named Officer of the Year for Orange County and also Officer of the Year for the Town of Newburgh. On July 28, 2003, while off duty and unarmed, Officer Suarez was traveling on Rte. 17K in the Town of Wallkill, observed an older male being assaulted by a younger man. The victim was trying to get cars to stop and help him but they refused and drove by. Officer Suarez stopped his vehicle to assist the victim. At this point he noticed that the younger male had an eight inch knife and was stabbing the victim in his mid section. Officer Suarez pulled the victim into his car in an attempt to save the man from further injury but the assailant continued to attack the subject. Officer Suarez drove off pulling the victim to safety and the assailant fled the scene. Officer Suarez then stopped to give first aid to the victim and called for help. The victim was transported by helicopter to Westchester County Hospital for surgery and has recovered from his injury. The assailant who is a twenty six year old son of the victim was taken into custody in the area near his home and has been charged with attempted second degree murder. Officer Suarez acted with the highest degree of standard within law enforcement and went above and beyond the call of duty for the victim’s survival. Officer Suarez is a credit for both himself and the Town of Newburgh Police Department.

At this time Supervisor Booth presented a plaque to Officer Suarez.

8. Application for Public Entertainment: NFA Girls Varsity Soccer Team / Cole Brothers Circus; Newburgh Auto Park, June 17-18

This is a request from the NFA Girls Varsity Soccer Team and the Jr. Varsity & Booster Club of Newburgh to hold a circus at the Newburgh Auto Park on June 17 – 18. They have submitted a deposit check in the amount of \$1,000.00 and a certificate of insurance that will be updated before the event. The circus will be conducted by Cole Brothers Company from Deland, Florida. This event has taken place in previous years and is located away from residential areas of the Town. Supervisor Booth said from the historical stand point there are at least 100 people who work this event.

MOTION was made by Councilman Woolsey to approve the Circus to be held at the Newburgh Auto Park on June 17 – 18 with the stipulation that the Chief of Police and Code Compliance have signed off on the paper work, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

9. Sewer: City of Newburgh Sewer Plant Expansion

Jim Osborne, Town Engineer, explained this item. This was discussed at our last

work session and one of the items that needs to be done is our map, plan and report needs to be updated. The proposal presented is from Valdina Consulting Engineers, who are the design engineers, for the plant expansion. They have a proposal to update the financial analysis not to exceed \$7500.00. Jim suggests that this proposal be incorporated in the "Additional Services" portion of the existing agreement. The completion of this map, plan and report is anticipated for three to four weeks. The SEQR process will possibly be done by Stearns and Wheeler. Supervisor Booth asked if this could be expedited. Jim said he will tell all that time is of the essence. Councilman Manley asked if once we receive the SEQR and proposal from Valdina, will we be able to go out to bid? Mark Taylor, Attorney for the Town, explained it depends on the results of their collective analysis. In the event that the cost estimate exceeds the remaining balance that is authorized, then the likelihood we will have to have a mandatory public hearing procedure. If the SEQR analysis determines there has been a change and circumstances that requires additional supplemental environmental statement work then we would need to have a public hearing for that supplemental EIS. Councilman Woolsey wanted to know how will this coordinate with the BOND? Mark Taylor said the bond follows the analysis. Councilman Woolsey asked if we could move working on the bond until we have a price. Mark said we could if we wished to adopt a bond under the old authorization and then supplement it at a later date by a second resolution. In 1988 the Town went through by Town Law 202b proceeding authorizing \$5,050,000.00 in increase and improvement. The Bond authorization that followed that procedure has expired but the procedure itself is still valid. If you wish you can adopt a bond resolution authorizing up to the balance of the funds that were bonded. We need to make the determination as to whether or not the cost estimates are valid or not. Mark said he's not sure why you would want to proceed earlier with bond. Councilman Woolsey was just thinking of the time frame, before you know it winter will be here.

MOTION was made by Councilman Manley to proceed with the proposal from Valdina Consulting Engineers, cost not to exceed \$7500.00 and the authorization of the expenditure should be submitted to the Town Board within sixty days of completion, seconded by Councilman Piaquadio. (This was asked to be highlighted by Councilman Woolsey for future reference.)

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

10. Engineering

a. Sewer Moratorium Request: 6 Boulder Road

This is a request from William Wild of 6 Boulder Road, to be considered for a sewer connection for his single family home. His septic system is failing and must be replaced. The Sewer Department has done an inspection and is in agreement for a hardship waiver.

MOTION was made by Councilman Piaquadio to grant this hardship waiver for 6 Boulder Road due to a failing septic, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

b. Sewer Moratorium Request: 2 Homewood Ave.

This is a request from Clyde Lince of 2 Homewood Ave., to be considered for a sewer connection for his single family home. His septic is failing and must be replaced. The Sewer Department has done an inspection and is in agreement for this hardship waiver. Jim Osborne, Town Engineer, wanted to also add, that if needed an outside user agreement may have to be executed.

MOTION was made by Councilman Piaquadio to grant this hardship waiver for 2 Homewood Ave. and if needed an outside user agreement may have to be executed, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

11. Computers: Voucher for Town Code On-Line

Supervisor Booth explained how this item has come before the Board. This is for the

Town of Newburgh's code that is on the internet. The fee is \$300.00 and it can be taken out of the Computer Reserve Fund which is account number 1680.0200. Councilman Manley suggested that this item should be budgeted annually from now on.

MOTION was made by Councilman Piaquadio to approve the voucher for General Code in the amount of \$300.00 to be taken out of the Computer Reserve Fund, account # 1680.0200, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Booth – aye. Motion passed 5-0.

12. Announcement and Presentations

- a. Comprehensive Plan Meeting will be held on May 19, 2004 at 7:00 P.M. at Cronomer Valley Fire Department.**
- b. Town Clerk's Office will be open Saturday, May 19, 2004 from 9:00 a.m. until 12:00 noon.**
- c. County Legislator Anthony Marino will be conducting office hours at Town Hall, on Saturday, May 22, 2004 from 9:00 a.m. until noon.**
- d. Assessor: reminder from Michael Fogarty, Sole Assessor, that Tuesday, May 25, 2004, is Grievance Day. The hours will be from 4:00 p.m. until 6:00 P.M. and then from 7:00 P.M. until 9:00 P.M. Please call his office to set up an appointment.**
- e. Mr. Zarutskie explained that the first time ever, we have a New York State flag in this room. The flag was donated by Assemblyman Tom Kirwan. Mr. Zarutskie presented Supervisor Booth with a certificate signed by Governor George Pataki stating the authenticity of the New York State flag.**

13. Public Comments

Ron Hughes / Pampas Lane

Voiced his concern on the water and sewer connections.

MOTION was made by Councilman Benedict to recess the Town Board meeting until 8:30 p.m., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. MOTION passed 5-0.

MOTION was made by Councilman Manley to end the recess at 8:20 p.m., seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

14. Executive Session: Code Compliance Supervisor / Zoning Board Chairman Re: Zoning Board Personnel

MOTION was made by Councilman Piaquadio to go into executive session at 8:21 p.m., seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

MOTION was made by Councilman Manley to end executive session at 9:17 p.m., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Supervisor Booth announced that no action was taken during executive session.

Adjournment

MOTION was made by Councilman Manley to adjourn the Town Board Meeting of May 17, 2004 at 9:18 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk